Application No.: 10/005,054 Docket No.: TRAUMA 3.0-349

IN THE CLAIMS

1. (currently amended) A device for surgical or therapeutic use for implants and surgical instruments as well as their accessories, comprising a body having a polished metal surface, said polished surface coated with a layer of material selected from the group consisting of magnesium, polyetheretherketone, polylactides, poly-L-lactides, tricalcium phosphate (TCP), hydroxyapatite (HA), titanium oxide, titanium nitride oxide, titanium niobium ceramic, titanium zirconium ceramic, and combinations thereof being modified to have ~~magnesium and~~ silver or copper ions mixed into the material which release in body fluids and have an antibacterial effect.

Claims 2-8 (cancelled).

9. (currently amended) A device for surgical or therapeutic use, particularly implants and surgical implants as well as their accessories, comprising a body having a polished metal surface, said polished surface coated with a layer of material being modified to have antibacterial effect wherein the surface is provided with a layer of material comprising a mixture of silver or copper ions and magnesium and a material selected from the group consisting of magnesium, titanium nitride oxide, titanium niobium ceramic, titanium zirconium ceramic, an anode oxidation Type II of titanium and combinations thereof.

10. (cancelled)

11. (previously presented) The device according to claim 9, wherein the surface is provided with a layer that contains hydroxyapatite.

12. (previously presented) The device according to claim 9, wherein the surface is provided with a layer that contains calcium phosphate.

13. (previously presented)The device according to claim 9, wherein the surface is provided with a layer that contains tantalum oxide.

Claims 14-16 (cancelled).

17. (previously presented)A device for surgical or therapeutic use, particular implants and surgical instruments as well as their accessories, comprising a body having a polished metal surface, said polished surface coated with a layer of material being modified by mixing in

magnesium and silver or copper ions which release to have antibacterial effect and wherein the metal surface has an electrostatic charge.

18. (previously presented) The device according to claim 17, wherein the surface briefly has an electrical voltage applied to it to produce said electrostatic charge.

19. (original) The device according to claim 17, wherein an adapter is provided to generate an electrical potential at the surface by means of a voltage source, particularly an alternating voltage source.

Claims 20-21 (cancelled).

22. (currently amended) A method for producing an antibacterial effect on a metal device for medical use comprising:

polishing the surface of the metal device;

coating the surface of the polished device with a layer, including silver or copper ions ~~and magnesium,~~ wherein the silver or copper ions ~~and magnesium~~ are mixed in a layer selected from the group consisting of magnesium, hydroxyapatite, calcium phosphate, polylactide (PLA), poly-L-lactide (PLLA), ultra high molecular weight polyethylene (UHMWPE), polymethylmethacrylate, polyetheretherketone (PEEK), and tricalcium phosphate (TCP).

23. (previously presented) The method as set forth in claim 22 further comprising applying an electric current to said device to form an electrostatic charge.

24. (cancelled).

25. (previously presented)A device for surgical or therapeutic use, particularly implants and surgical instruments as well as their accessories, comprising a body with a surface to be kept sterile for use, said surface being modified to have antibacterial effect, wherein the surface has a layer that releases ions with the antibacterial effect and said layer has a matrix made of a resorbable materials containing magnesium which layer releases silver or copper ions.

26. (previously presented) The device as set forth in claim 25 wherein the resorbable material is made of plastic.

27. (previously presented) The device as set forth in claim 26 wherein the resorbable plastic consists at least of one member selected from the group of polylactides (PLA) and poly-L-lactides (PLLA).

28. (cancelled)

29. (previously presented)The device as set forth in claim 28 wherein the resorbable material is selected from the group of tricalcium phosphate (TCP) and hydroxyapatite (HA).

30. (previously presented)The device as set forth in claim 25 wherein the layer contains a member selected from the group consisting of hydroxyapatite, tantalum oxide, and calcium compounds.

31. (new) A device for surgical or therapeutic use for implants and surgical instruments as well as their accessories, comprising a body having a surface, said surface coated with a layer of resorbable material containing magnesium said layer being modified to have silver or copper which release upon resorption of said layer in body fluids and have an antibacterial effect.

32. (new) A method for producing an antibacterial effect on a metal device for medical use comprising:

coating the surface of the device with a resorbable payer, including silver or copper, wherein the silver or copper are incorporated in a layer of magnesium.